

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

PCT
TRANSLATION

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

(PCT Rule 43bis.1)

		Date of mailing (day/month/year)
Applicant's or agent's file reference PCT-0501		FOR FURTHER ACTION See paragraph 2 below
International application No. PCT/JP2005/001326	International filing date (day/month/year) 31.01.2005	Priority date (day/month/year) 30.01.2004
International Patent Classification (IPC) or both national classification and IPC		
Applicant MORITEX CORPORATION		

1. This opinion contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|--|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the opinion |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input checked="" type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/JP	Authorized officer
Facsimile No.	Telephone No.

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Box No. I	Basis of this opinion
1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.	
<input type="checkbox"/> This opinion has been established on the basis of a translation from the original language into the following language, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).	
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:	
a. type of material	
<input type="checkbox"/> a sequence listing	
<input type="checkbox"/> table(s) related to the sequence listing	
b. format of material	
<input type="checkbox"/> in written format	
<input type="checkbox"/> in computer readable form	
c. time of filing/furnishing	
<input type="checkbox"/> contained in the international application as filed.	
<input type="checkbox"/> filed together with the international application in computer readable form.	
<input type="checkbox"/> furnished subsequently to this Authority for the purposes of search.	
3. <input type="checkbox"/> In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.	
4. Additional comments:	

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Box No. IV Lack of unity of invention

1. In response to the invitation (Form PCT/ISA/206) to pay additional fees the applicant has:
 - paid additional fees
 - paid additional fees under protest
 - not paid additional fees
2. This Authority found that the requirement of unity of invention is not complied with and chose not to invite the applicant to pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is
 - complied with
 - not complied with for the following reasons:

The common feature of the subject matters of claims 1-10 is an imaging lens that outputs an optical magnification (optical magnification data). However, as a result of the search, the common feature does not appear to be novel since it is disclosed in document JP, 10-048532, A (Olympus Optical Co., Ltd.), 20 February, 1998, paragraph [0048] and Fig. 1. As a result, the common feature makes no contribution over the prior art, and there exists no common feature which can be considered as a special technical feature within the meaning of PCT Rule 13.2, second sentence. Accordingly, there is no common feature to all of the subject matters of claims 1-10.

Moreover, within the subject matters of claims 1-10,

- I. The subject matters of claims 1, 2, 4 and 5 relate to the imaging lens and imaging apparatus provided with a storage element that stores the optical magnification.
- II. The subject matters of claims 3, and 6-9 relate to the imaging lens and imaging apparatus that output the optical magnification depending on a detected position of the position sensor.
- III. The subject matter of claim 10 relates to a data writing method that write-in the optical magnification.

Then, these three inventions are not recognized as a group of inventions relating to a single general inventive concept.

4. Consequently, this opinion has been established in respect of the following parts of the international application:
 - all parts
 - the parts relating to claims Nos. _____

**WRITTEN OPINION OF THE
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Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims <u>1-3, 5-10</u>	YES
	Claims <u>4</u>	NO
Inventive step (IS)	Claims <u>7-10</u>	YES
	Claims <u>1-6</u>	NO
Industrial applicability (IA)	Claims <u>1-10</u>	YES
	Claims _____	NO

2. Citations and explanations:

Document 1: JP, 10-048532, A (Olympus Optical Co., Ltd.), 20 February, 1998 (20.02.98)

Document 2: JP, 2001-174714, A (Olympus Optical Co., Ltd.), 29 June, 2001 (29.06.01)

The subject matter of claim 1 does not appear to involve an inventive step in view of documents 1 and 2 cited in the ISR. A person skilled in the art could have easily considered using a monitor size described in document 2, paragraph [0041], to an apparatus described in document 1, paragraphs [0010], [0048] and Fig. 1. Moreover, consideration of an image sensor dimension is a design choice.

The subject matters of claims 2 and 5 do not appear to involve an inventive step in view of documents 1 and 2 cited in the ISR. A person skilled in the art could have easily used a technology to store the magnification information, which is described in document 2, paragraph [0056] and Fig. 2, to the optical magnification output of document 1.

The subject matters of claims 3 and 6 do not appear to involve an inventive step in view of documents 1 and 2 cited in the ISR. A person skilled in the art could have easily applied a technology to store data relating to a pulse number and the magnification, which is described in document 2, paragraphs [0032]-[0033] and [0036]-[0038], to a case of using a zooming lens described in document 1, paragraphs [0041]-[0042] and Fig. 11.

The subject matter of claim 4 does not appear to be novel since document 1, paragraph [0048], Fig. 1 describes it.

The subject matters of claims 7-10 are not described in any of the documents cited in the ISR nor obvious to a person skilled in the art.